



ORIGINAL

FILED

APR 29 2011

CLERK *AP*
United States Bankruptcy Court
San Jose, California

1 James M. Kelley
2 14390 Douglass Lane
3 Saratoga, CA 95070
4 jmadisonkelley@gmail.com
5 Tel: (408) 314-6745

6 PRO SE

7 **UNITED STATES BANKRUPTCY COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA – DIVISION 5**

9 In Re:
10 JAMES MADISON KELLEY,

Case No. 08-55305 ASW
Chapter 11

11 Debtor

12
13 JAMES MADISON KELLEY)

14 Plaintiff)

15 V.)

16 JPMORGAN CHASE BANK, NA (successor to))

17 WASHINGTON MUTUAL BANK,)

18 DOES (1-20))
19)
20)
21)
22)
23)
24)
25)
26)
27)

FOURTH DECLARATION
OF
EVIDENCE

LOSS OF NOTARY JOURNAL
&

INABILITY TO VERIFY
SECOND TRUST DEED

Adv. Case No. 10-05245

1 Attached are the following documents are included herein:

2 Exhibit A: Plaintiff Letter to notary Rosalie Silva

3 Exhibit B: Rosalie Silva's letter to Plaintiff

4 Exhibit C: Proof of Delivery to Plaintiff

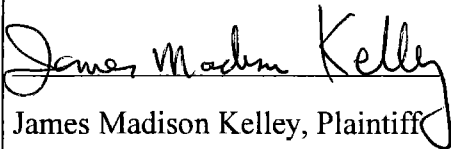
5
6 I, James Madison Kelley, pro se plaintiff in this adversary case declare that the Exhibits
7 submitted herewith are true and correct copies of the above documents.

8
9 These documents are being submitted as evidence that no independent verification of
10 plaintiff's signature can be obtained from the Notary Journal due to its disappearance and
11 loss by the Notary Rosalie Silva.

12
13 It cannot be established that the Deed of Trust was ever properly signed at all by the
14 Plaintiff. Plaintiff has no recollection of signing the Notary Journal.

15
16 Plaintiff has previously asserted that alteration and/or forgery of the Deed of Trust, inter
17 alia, for Washington Mutual Bank Loan number 0747861714.

18
19 Plaintiff is prepared to competently testify to the above facts and to the authenticity of the
20 attached copies offered in proof thereof.

21
22 
23 James Madison Kelley, Plaintiff

April 29, 2011

Date

Exhibit A: Plaintiffs Letter to Rosalie Silva

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Rosalie M. Silva
Notary # 1923449
1089 North Central Avenue
San Jose, California 95128
(408) 399-2749

April 21, 2011

Dear Ms. Silva,

Pursuant to California Government Code section §8206(c))”

“notary public must provide a photo static copy of a line item from his or her journal when provided with a written request from any member of the public. The written request shall include the name of the parties, the type of document, and the month and year in which the document was notarized. The cost must not exceed thirty cents (\$0.30) per page. (Government Code section §8206(c))”

This letter contains my written request for copies of your notary journal entries for

Deed of Trust or Note in the Name of James Kelley or James Madison Kelley and Washington Mutual Bank or Washington Mutual Bank, FA or Washington Mutual Bank, FSB

Notarized by you in September 2007 or October 2007.

Enclosed is \$1.00.

If additional payment is required contact me and I will deliver it.

If you have any questions, feel free to contact me at (408) 314-6745.

Regards,

James M. Kelley

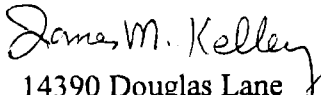

14390 Douglas Lane
Saratoga, CA 95070

Exhibit B: Notary Rosalie Silva Letter to Plaintiff

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James M Kelley
14390 Douglas Lane
Saratoga, CA 95070

Dear Mr. Kelley,

I received your request for copy of page in my Notary Journal. Unfortunately I am unable to honor your request and I have been unable to locate the journal. It has been years since I had used the journal and am unable to locate it.

I notified the Secretary of State that the journal is missing and or destroyed and wait their response.

I am returning the \$1.00 you sent with your request.

Sincerely,,


Rosalie Silva



**Exhibit C: Proof of Delivery of
Notary Rosalie Silva Letter to Plaintiff**

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Received 4-27-2011 MK



< WebShip > > > > >

800-322-5555 www.gso.com

Ship From:

BRANDY FISCHER
WELLS FARGO HOME MORTGAGE
652 N. SANTA CRUZ AVENUE A
LOS GATOS, CA 95030

Ship To:

JAMES KELLEY
JAMES KELLEY
14390 DOUGLAS LANE
SARATOGA, CA 95070

COD:

\$0.00

Reference:**Delivery Instructions:****Signature Type:**

OK TO LEAVE

Tracking #: 516441887**NPS****SJC****A****SARATOGA****D95070A**

90600598

Print Date : 04/26/11 13:42 PM

Package 1 of 1

Send Label To Printer

☒ Print All

Edit Shipment

Finish

LABEL INSTRUCTIONS:

Do not copy or reprint this label for additional shipments - each package must have a unique barcode.

STEP 1 - Use the "Send Label to Printer" button on this page to print the shipping label on a laser or inkjet printer.

STEP 2 - Fold this page in half.

STEP 3 - Securely attach this label to your package, do not cover the barcode.

STEP 4 - Request an on-call pickup for your package, if you do not have scheduled daily pickup service or Drop-off your package at the nearest GSO drop box. Locate nearest GSO dropbox locations using this link.

ADDITIONAL OPTIONS:

Send Label Via Email

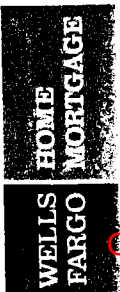
Create Return Label

TERMS AND CONDITIONS:

By giving us your shipment to deliver, you agree to all the service terms and conditions described in this section.

Our liability for loss or damage to any package is limited to your actual damages or \$100 whichever is less, unless you pay for and declare a higher authorized value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of your loss or damage. In any event, we will not be liable for any damage, whether direct, incidental, special or consequential, in excess of the declared value of a shipment whether or not we had knowledge that such damage might be incurred including but not limited to loss of income or profit. We will not be liable for your acts or omissions, including but not limited to improper or insufficient packaging, securing, marking or addressing. Also, we will not be liable if you or the recipient violates any of the terms of our agreement. We will not be liable for loss, damage or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, act of public enemies, war, strikes, or civil commotion. The highest declared value for our GSO Priority Letter or GSO Priority Package is \$500. For other shipments the highest declared value is \$10,000 unless your package contains items of "extraordinary value", in which case the highest declared value we allow is \$500. Items of "extraordinary value" include, but are not limited to, artwork, jewelry, furs, precious metals, tickets, negotiable instruments and other items with intrinsic value.

575 N. Santa Cruz Ave
Los Gatos, CA 95030



JAMES KELLEY
14390 DOUGLAS LANE
SHERBORN, CA 95070